

Applicants : Steven L. Ringler et al.
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REMARKS

Claims 1, 2, 5-9, 16, 17, 20, 21, 25 and 26 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,496,314 (hereinafter Eggers); claims 2-4, 10, 17-19 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Eggers in view of U.S. Patent No. 6,001,077 (hereinafter Ellman); claims 11-14, 23 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Eggers in view of U.S. Patent No. 6,569,159 (hereinafter Edwards); and claim 15 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicants have amended independent claims 1 and 16 and dependent claims 5, 25 and 26. Applicants also wish to express their appreciation to the Examiner for the indication of allowable subject matter. However, for the reasons further set forth below, Applicants submit that claims 1-26 are all now allowable.

At the outset, Applicants note that Eggers is directed to an endoscopic probe that in one embodiment includes an extendable shroud for selectively covering a tip of the endoscopic probe. Applicants further note that the Eggers probe is also capable of performing irrigation and suction.

With respect to independent claims 1 and 16, Applicants have amended claims 1 and 16 to essentially recite that the heat sealing instrument (apparatus) includes a sheath positioned in a heating-element cavity of a shroud, and have further defined the heating element as being positioned within and thermally coupled to the sheath. Applicants submit that Eggers does not teach or suggest positioning a heating element within a sheath that is positioned within a shroud. Nor does Eggers in combination with Ellman and/or Edwards teach or suggest an apparatus that includes a heating element positioned within a sheath that is positioned within a shroud. As such, Applicants submit that amended claims 1 and 16 are now allowable. Further, Applicants submit that dependent claims 2-15 and 17-26 depend upon allowable claims and, at least for this reason, are also allowable.

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No new matter has been entered with the amendments to the claims. Applicants submits that this reply is fully responsive to the above-referenced Office Action.

CONCLUSION

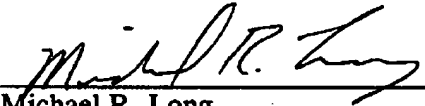
For all of the foregoing reasons, Applicants respectfully submits that claims 1-26 are now allowable. If the Examiner has any questions or comments with respect to this reply, the Examiner is invited to contact the undersigned at (616) 949-9610.

Respectfully submitted,

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